

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 20563
)	
[Redacted],)	DECISION
)	
Petitioners.)	
_____)	

On June 21, 2007, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayers) proposing income tax, penalty, and interest for 2002 in the amount of \$1,584.

The taxpayers filed a timely appeal. They did not request a hearing and did not submit additional information. The Tax Commission has reviewed the file and hereby issues its decision based upon the information contained in the file.

Because Tax Commission records showed the taxpayers met the state income tax filing requirements and had not filed a 2002 Idaho return, the Bureau attempted to contact the taxpayers for clarification. The taxpayers did not respond.

[Redacted].

Idaho Code § 63-3045 (1)(a) states:

63-3045. Notice of redetermination or deficiency --
Interest. (1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer

may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

Determining the taxpayers had a requirement to file a resident individual income tax return, the Bureau prepared a return on their behalf and sent them a Notice of Deficiency Determination. In response to the notice, the taxpayers sent a letter of protest that was signed [Redacted]. The letter said the taxpayers had moved [Redacted] during 2002 and filed their state income tax [Redacted]. [Redacted] asked the Bureau to explain what information was needed to verify the move.

The Bureau sent the taxpayers a letter acknowledging their protest and a copy of a 2002 federal W-2 form showing an Idaho address and \$2,085 of Idaho withholding. The taxpayers were asked to provide a copy of the 2002 individual income tax return they filed [Redacted] so credit could be given for tax paid [Redacted]. The taxpayers did not respond.

When nothing was received from the taxpayers, their file was transferred to the Legal/Tax Policy Division for administrative review. The taxpayers did not respond to a letter from the Tax Policy Specialist advising them of their appeal rights.

The records retained by the Tax Commission contain an Idaho Form 43 the taxpayers filed for 2003 as part-year residents. The filing of that return as part-year residents in 2003 leaves a question regarding the taxpayers' claim that they were part-year residents of Idaho in 2002 as well.

The taxpayers have not filed their 2002 Idaho income tax return and have not submitted a copy of a 2002 income tax return filed [Redacted]. They have submitted nothing that would cast doubt on the Bureau's determination that was based on records retained by [Redacted] the Tax Commission.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Com'n, 110 Idaho 572 (Ct. App. 1986).

Having presented no information in support of their argument, the taxpayers have failed to meet their burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

WHEREFORE, the Notice of Deficiency Determination dated June 21, 2007, is hereby APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayers pay the following tax, penalty, and interest for 2002:

<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
\$1,049	\$262	\$321	\$1,632

Interest is computed through April 15, 2008.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of taxpayers' right to appeal this decision is enclosed.

DATED this _____ day of _____, 2008.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I have on this ____ day of _____, 2008, served a copy of the within and foregoing DECISION by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[Redacted]

[Redacted]
